

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

LEON BENSON and KOLLEEN)	
BUNCH,)	
)	
Plaintiffs,)	
)	
v.)	
)	CASE NO. 1:24-cv-00839 JPH-MJD
CITY OF INDIANAPOLIS, ALAN F.)	
JONES, LESLIE VANBUSKIRK,)	
STEVEN GARNER, ELI MCALLISTER,)	
and COLUMBUS RICKS, in their)	
individual capacities,)	
)	
Defendants.)	

February 10, 2025 Supplemental Joint Report on the Status of Discovery

The parties, pursuant to this Court's Scheduling Order of October 21, 2024 (ECF No. 37), submit this supplemental joint report on the status of discovery:

1. A detailed description of all discovery completed within the preceding 28 days.

On February 3, 2025, City Defendants served bates labelled copies of the documents Marion County Prosecutor's Office ("MCPO") records.

On January 17, 2025, the City served responses to the Plaintiffs' Interrogatories. The same day, City Defendants served responses to Plaintiffs' Requests for Production of Documents. City Defendants anticipate having their document production out by February 12, 2024.

On or about February 6, 2025, counsel for City Defendants and Plaintiffs held a Rule 37 conference regarding Plaintiffs' responses to the Plaintiffs' responses to interrogatories and RFPs from City Defendants. The parties reached resolution on some issues, but believe they are at an impasse on other issues. On February 7, 2025, Defendants sent an email summarizing the parties' positions. The parties are working on next steps regarding this issue.

On January 15, 2025, Defendant Jones served his response to Plaintiff Benson's Interrogatories. The same day, Defendant Jones served his response to Plaintiff Benson's First Set of Requests for Production.

On December 23, 2024, Plaintiff Benson served his response to Defendant Jones's Interrogatories. The same day, Plaintiff Benson served his response to Defendant Jones's First Set of Requests to Produce.

2. A detailed description of all discovery presently scheduled or pending, including the due dates for any pending discovery requests and the scheduled dates for any depositions, and the identity of the counsel responsible for completing such discovery.

On September 5, 2024, the City Defendants also served notice of depositions for several witnesses. The dates for depositions have not been agreed upon by the parties.

On November 19, 2024, the City Defendants served a nonparty RFP on the Indiana Board of Law Examiners to obtain records for Timothy J. Miller. On January 7, 2025, this Court quashed the nonparty request for production and subpoena but noted the City Defendants may petition the Indiana Supreme Court directly for the records. Counsel for the City Defendants have conferred with the Board's attorneys and anticipate filing a petition shortly.

On December 4, 2024, City Defendants served nonparty RFPs to two entities: BNK Law Group and Wondery LLC. These subpoena concern records of Seasons 3 a podcast entitled "Suspect," which chronicled the investigation into Leon Benson's conviction and the subsequent reversal of that conviction. These records are in part from or related to counsel in this case, Lara Abigail Bazelon and Charlie Chaya Nelson Keever.

On December 12, 2024, City Defendants served the subpoena on Wondery LLC. Counsel for Wondery LLC later complained that they were not served. Defendants re-served Plaintiff via FedEx. On February 6, 2024, Wondery LLC served an objection to City Defendants subpoena and nonparty request. Wondery LLC refused to provide *any* documents.

On December 19, 2024, City Defendants served the subpoena and nonparty request on BNK Law Group. The parties have agreed that BNK can respond and begin rolling out production responsive to this request on February 11, 2025.

3. A detailed description of any discovery disputes presently pending, including the status of the resolution of the dispute and the identity of the counsel responsible for resolving the dispute.

City Defendants believe Plaintiffs' response to their interrogatories and requests for production of documents are deficient. On November 18, 2024, the City Defendants served a Rule 37 letter upon Plaintiff regarding these deficiencies. As discussed above, the parties held a Rule 37 conference on February 6, 2025.

Additionally, as noted in Section 2 above, City Defendants have served a subpoena on BNK Law Group related to the "Suspect" podcast. The parties anticipate objections from BNK Law Group, but they shall confer with counsel when raised.

4. A detailed description of all discovery that is planned to be completed within the 28-day period following the report, including the identity of the counsel responsible for completing such discovery.

Please see responses to Topic Number 2.

5. A description of all known discovery remaining to be completed in this matter, including a proposed timetable for the completion of such discovery and the identity of the counsel responsible for completing such discovery.

Please see response to Topic Number 2. Additionally, the parties will need to conduct depositions in this case. The dates for depositions have not been agreed upon by the parties. Due to the parties' schedules, the parties anticipate beginning to conduct those depositions being set in March and/or April 2025, after written discovery is returned from the Plaintiffs and various nonparties. A copy of the original deposition notice with all proposed deponents is attached hereto.

6. Any other discovery issues any party believes should be brought to the attention of the Court so as to avoid any further delays in the completion of discovery in this matter.

See above responses.

RESPECTFULLY SUBMITTED,

FROST BROWN TODD LLP

/s/ Elliot Slosar (with permission)

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